

**Federal Defenders
OF NEW YORK, INC.**

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May 17, 2024

Via Email and ECF

The Honorable Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Terrence Wise, 23-CR-9 (DG)

Dear Judge Levy,

We write to update the Court as to Mr. Wise's medical condition, and to request a hearing. We have Mr. Wise's permission to share publicly the attached exhibit. This morning, we, the government, and the MDC belatedly received a May 15, 2024 "amendment" from Dr. Chang at Memorial Sloan Kettering Cancer Center to Dr. Xiao at Brooklyn Hospital Center. The amendment confirms a May 14, 2024 telephone call between the doctors, diagnosing Mr. Wise with non-small cell carcinoma, favored to be adenocarcinoma. In other words, Mr. Wise has lung cancer. Despite that call apparently occurring on Tuesday, doctors first delivered the pathology results to Mr. Wise at 10:00am today, Friday. He has not yet been told the stage of his cancer, a treatment plan, or his prognosis. We have not received any records from Brooklyn Hospital or MSK, including whatever report this "amendment" amends.

So that Mr. Wise can make knowing and informed treatment decisions, we respectfully request that the Court schedule a bail application for Monday, May 20, 2024, or as soon as practicable thereafter. Thank you for your consideration.

Respectfully Submitted,

/s/

Mia Eisner-Grynberg
Staff Attorney
(718) 330-1257

Allison Berger
Mitigation Social Worker
(718) 407-7425

cc: AUSA Andrew Roddin (by ECF and email)
Chambers of Hon. Diane Gujarati (by ECF and email)
Sophia Papapetru, MDC Brooklyn Legal Department (by email)

EXHIBIT A



Memorial Sloan Kettering
Cancer Center

Re: WISE, TERRENCE

Age: 54 Sex: M

1: RIGHT LUNG MASS 5 SS & 15 USS, LABELED AS
S24-2617. COLLECTED ON 5/3/2024. REC'D FROM
THE BROOKLYN HOSPITAL CENTER. (PT)

MH#: S24-36967

Philip Xiao, MD
The Brooklyn Hospital Center
Department of Pathology
121 DeKalb Avenue
Brooklyn, NY 11201
Tel: 718-250-8207
Fax: 718-250-6725

MSK # S24-36967 (WDT24-227): Right lung mass; biopsy (OSS: S24-2617, part 1, 5/3/2024): Non-small cell carcinoma, favor adenocarcinoma.

The patient is a 54-year-old male with a history of hypertension and hyperlipidemia presents with a right lung mass.

AMENDMENT

Dear Dr. Xiao,

This letter confirms our telephone conversation of 5/14/2024. Sections of the provided right lung mass biopsy shows cores containing nests of tumor cells with vesicular nuclei, increased nuclear to cytoplasmic ratios and eosinophilic cytoplasm. Atypical mitoses are seen. No necrosis is present. The tumor cells are negative for CK4, p40, and TTF-1 (clone SP141), and Napsin A. Additional stains performed at MSK show that the tumor cells are positive for claudin 4 and mucicarmine and are negative for INSM1 and NKX3.1.

In summary, the right lung mass biopsy shows a non-small cell carcinoma, favored to be adenocarcinoma despite the negative TTF-1 staining which can occur in up to 20% of cases.

Thank you for sharing this case with us.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Jason Chang'.

5/15/24

Jason Chang, M.D.
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Thoracic Pathology and Diagnostic Molecular Pathology
Memorial Sloan Kettering Cancer Center
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